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Exempt from Filing Fees Pursuant to Government Code § 6103

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRINITY WILLIAMS, individually,

CASE NO.: 1:19-cv-01330-RMI

Plaintiffs,

v.

**DEFENDANT COUNTY OF
HUMBOLDT'S ANSWER TO
COMPLAINT AND DEMAND FOR JURY
TRIAL**

COUNTY OF HUMBOLDT and DOES 1
through 50,

Defendants.

Complaint filed: 1/31/2019

Defendant COUNTY OF HUMBOLDT ("Defendant") hereby answers the Complaint on file
in this action as follows:

I.

INTRODUCTION

1. Answering paragraph 1, Defendant submits this paragraph contains conclusions of law
and not averments of fact to which a response is required. Insofar as a response is required, this
answering Defendant generally and specifically denies each and every allegation in said paragraph.

2. Answering paragraph 2, Defendant admits that the State of California filed a petition
for writ of mandate. Answering the remaining allegations in said paragraph, this answering

1 Defendant generally and specifically denies each and every remaining allegation in said paragraph.

2 3. Answering paragraph 3, this Defendant lacks sufficient information or knowledge to
3 enable it to respond to the allegations in said paragraph, and on that basis, generally and specifically
4 denies each and every allegation in said paragraph.

5 4. Answering paragraphs 4, 5, 6, and 7, Defendant submits that the allegations contained
6 in said paragraphs are legal arguments for which no response is necessary. However, to the extent a
7 response is deemed required, Defendant generally and specifically denies the allegations contained
8 in said paragraphs.

9 5. Answering paragraph 8, this answering Defendant lacks sufficient information or
10 knowledge to enable it to respond to the allegations in said paragraph, and on that basis, generally
11 and specifically denies each and every allegation in said paragraph.

12 6. Answering paragraph 9, Defendant submits the allegations contained in said paragraph
13 are legal arguments for which no response is necessary. However, to the extent a response is deemed
14 required, Defendant lacks sufficient information or knowledge to respond to the allegations, and on
15 that basis, generally and specifically denies the allegations contained in said paragraph.

16 II.

17 GENERAL ALLEGATIONS

18 7. Answering paragraph 10, Defendant lacks sufficient information or knowledge to
19 answer the allegations pertaining to Plaintiff's residence and age "at all times relevant," and on that
20 basis, Defendant generally and specifically denies the allegations contained in said paragraph.

21 8. Answering paragraph 11, Defendant admits the COUNTY OF HUMBOLDT is a
22 public entity. Answering the remaining allegations in said paragraph, this answering Defendant
23 generally and specifically denies each and every remaining allegation in said paragraph.

24 9. Answering paragraphs 12 and 13, Defendant submits the allegations contained in said
25 paragraphs are legal arguments for which no response is necessary. However to the extent a response
26 is deemed necessary, this answering Defendant lacks sufficient information or knowledge to enable
27 it to respond to the allegations in said paragraphs, and on that basis, generally and specifically denies
28 each and every allegation in said paragraphs.

10. Answering paragraph 14, Defendant admits that Plaintiff submitted a Government Tort Claim against Defendant. Defendant lacks sufficient information or knowledge to respond to the allegation that it was “filed” on June 21, 2018, and on that basis, generally and specifically denies the allegation. Defendant received Plaintiff’s Government Tort Claim on June 26, 2018.

11. Answering paragraphs 15, 16, and 17, this answering Defendant generally and specifically denies the allegations in said paragraphs.

III.

FACTUAL HISTORY

12. Answering paragraph 18, Defendant submits the allegations contained in said paragraph are a legal argument for which no response is necessary, but to the extent a response is deemed required, Defendant generally and specifically denies the allegations contained in said paragraph.

13. Answering paragraph 19, Defendant lacks sufficient information or knowledge to respond to the allegations, and on that basis, generally and specifically denies the allegations.

14. Answering paragraphs 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, Defendants submit that the factual allegations contained in said paragraphs are based on documents that speak for themselves, and therefore no response is required. To the extent the allegations may derive from confidential juvenile documents, Defendants are unable to admit or deny the factual allegations contained in said paragraphs. Defendant further submits that these paragraphs contains legal arguments for which no response is necessary, but to the extent a response is deemed required, Defendant generally and specifically each and every allegations in said paragraphs.

15. Answering paragraph 32, Defendant lacks sufficient information or knowledge to respond to the allegation and on that basis, generally and specifically deny the allegation. Defendant submits the remaining allegations are legal arguments for which no response is necessary, but to the extent a response is deemed required, Defendant generally and specifically deny the remaining allegations in said paragraph.

16. Answering paragraphs 33, 34, and 35, Defendant lacks sufficient information or knowledge to respond to the allegations in said paragraphs, and on that basis, Defendant generally

1 and specifically deny each and every allegation in said paragraphs.

2 17. Answering paragraphs 36, 37, 38, 39, 40 and 41, Defendants submit these paragraphs
3 refer to or contain factual allegations based on documents that speak for themselves, and therefore no
4 response is required. Defendants further submit that the factual allegations are based on confidential
5 juvenile documents, and therefore Defendants are unable to admit or deny the factual allegations
6 contained in said paragraphs. Defendant further submits that the allegations in said paragraphs contain
7 legal arguments for which no response is necessary, but to the extent a response is deemed required
8 to any allegations, this answering Defendant generally and specifically denies each and every
9 allegation in said paragraphs.

10 18. Answering paragraph 42, this answering Defendant lacks sufficient information or
11 knowledge to respond to the allegations, and on that basis, Defendant generally and specifically
12 denies the allegations. Defendant submits this paragraph also contains legal arguments for which no
13 response is necessary, but to the extent a response is deemed required, Defendant generally and
14 specifically deny the allegations in said paragraph.

15 19. Answering paragraphs 43, 44 and 45, Defendants submit that the factual allegations
16 contained in said paragraphs are based on documents that speak for themselves, and therefore no
17 response is required. Defendants further submit that the factual allegations are based on confidential
18 juvenile documents, and therefore Defendants are unable to admit or deny the factual allegations
19 contained in said paragraphs. Defendant further submits that the allegations pertaining to unlawful
20 conduct on the part of Defendant are legal arguments for which no response is necessary, but to the
21 extent a response is deemed required, Defendant generally and specifically denies each and every
22 allegation in said paragraphs.

23 20. Answering paragraph 46, Defendant lacks sufficient information or knowledge to
24 respond to the allegation, and on that basis, generally and specifically denies the allegations.
25 Defendant submits this paragraph also contains legal arguments for which no response is necessary,
26 but to the extent a response is deemed required, Defendant generally and specifically deny the
27 allegations.

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21. Answering paragraphs 47 and 48, Defendants submit that the factual allegations contained in said paragraphs are based on documents that speak for themselves, and therefore no response is required. Defendants further submit that the factual allegations are based on confidential juvenile documents, and therefore Defendants are unable to admit or deny the factual allegations contained in said paragraphs. Defendant further submits that the allegations pertaining to unlawful conduct on the part of Defendant are legal arguments for which no response is necessary, but to the extent a response is deemed required, Defendant generally and specifically denies each and every allegation in said paragraphs.

FIRST CAUSE OF ACTION
LIABILITY FOR THE ACT OR OMISSION OF A PUBLIC EMPLOYEE
UNDER CAL. GOV CODE SECTION 820(A)

22. Answering Paragraph 49, Defendant incorporates by reference, as if fully set forth herein, its response to all paragraphs of the complaint.

23. Answering paragraph 50, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegation.

24. Answering paragraph 51, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant lacks sufficient information or knowledge to respond to the allegation, and on that basis, generally and specifically denies the allegation.

25. Answering paragraphs 52, 53, 54, 55 and 56, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegations in said paragraphs.

26. Answering paragraph 57, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant lacks sufficient information or knowledge to respond to the allegation, and on that basis, generally and specifically denies the allegation.

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SECOND CAUSE OF ACTION

**VICARIOUS LIABILITY FOR THE ACT OR OMMISION OF A PUBLIC
EMPLOYEE UNDER CAL GOV CODE SECTIONS 815.2(A), 820(A)**

27. Answering paragraph 58, Defendant incorporates by reference, as if fully set forth herein, its response to all paragraphs of the complaint..

28. Answering paragraph 59, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegation.

29. Answering paragraph 60, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant lacks sufficient information or knowledge to respond to the allegation, and on that basis, generally and specifically denies the allegation.

30. Answering paragraphs 61, 62, 63, 64, 65 and 66, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegations in said paragraphs.

31. Answering paragraph 67, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant lacks sufficient information or knowledge to respond to the allegation, and on that basis, generally and specifically denies the allegation.

THIRD CAUSE OF ACTION

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS UNDER CAL GOV
CODE SECTIONS 815.2(A), 820(A)**

32. Answering paragraph 68, Defendant incorporates by reference, as if fully set forth herein, its response to all paragraphs of the complaint.

33. Answering paragraph 69, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegation.

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34. Answering paragraph 70, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant lacks sufficient information or knowledge to respond to the allegation, and on that basis, generally and specifically denies the allegation.

35. Answering paragraphs 71 and 72, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegations in said paragraphs.

36. Answering paragraph 73, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant lacks sufficient information or knowledge to respond to the allegation, and on that basis, generally and specifically denies the allegation.

FOURTH CAUSE OF ACTION
VIOLATION OF THE CHILD ABUSE AND NEGLECT REPORTING ACT
(CANRA)

37. Answering Paragraph 74, Defendant incorporates by reference, as if fully set forth herein, its response to all paragraphs of the complaint.

38. Answering paragraphs 75, 76, 77, 78, 79 and 80, Defendant submits the allegations in said paragraphs contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegations.

39. Answering paragraph 81, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant lacks sufficient information or knowledge to respond to the allegation, and on that basis, generally and specifically denies the allegation.

FIFTH CAUSE OF ACTION
(BREACH OF MANDATORY DUTIES UNDER CAL GOV CODE SECTION 815.6)

40. Answering paragraph 82, Defendant incorporates by reference, as if fully set forth herein, its response to all paragraphs of the complaint.

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41. Answering paragraphs 83, all subparagraphs (a-h) thereto, and 84, Defendant submits the allegations in said paragraphs contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegations.

42. Answering paragraph 85, Defendant submits the allegations contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant lacks sufficient information or knowledge to respond to the allegation, and on that basis, generally and specifically denies the allegation.

SIXTH CAUSE OF ACTION

(BREACH OF DUTY ARISING UNDER SPECIAL RELATIONSHIP)

43. Answering paragraph 86, Defendant incorporates by reference, as if fully set forth herein, its response to all paragraphs of the complaint.

44. Answering paragraphs 87, 88, 89, and 90, Defendant submits the allegations in said paragraphs contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegations in said paragraphs.

SEVENTH CAUSE OF ACTION

(VIOLATION OF CIVIL RIGHTS 42 U.S.C. § 1983)

45. Answering paragraph 91, Defendant incorporates by reference, as if fully set forth herein, its response to all paragraphs of the complaint.

46. Answering paragraphs 92, 93, 94, 95, 96, 97, 98, 99, and 100, Defendant submits the allegations in said paragraphs contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegations in said paragraphs.

EIGHTH CAUSE OF ACTION

(VIOLATION OF CIVIL RIGHTS 42 U.S.C. § 1983)

47. Answering paragraph 101, Defendant incorporates by reference, as if fully set forth herein, its response to all paragraphs of the complaint.

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48. Answering paragraphs 102, 103, 104, 105, and 106, Defendant submits the allegations in said paragraphs contain legal arguments for which no response is required, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegations in said paragraphs.

PUNITIVE DAMAGES ALLEGATIONS AGAINST DOES 1-50

49. Answering paragraph 107, Defendant incorporates by reference, as if fully set forth herein, its response to all paragraphs of the complaint.

50. Answering paragraphs 108 and 109, Defendant submits these allegations are not alleged against Defendant, and therefore no response is necessary, but to the extent a response is deemed necessary, Defendant generally and specifically denies the allegations in said paragraphs.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state facts sufficient to state a claim for relief.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims and each of them in the Complaint are barred by the statute of limitations.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims and each of them are barred for failure to exhaust administrative and/or judicial remedies.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims, and each of them, are barred on the grounds that Plaintiff failed to timely present tort claims, or petition to present late claims, with respect to any related claims and/or damages to Defendant COUNTY OF HUMBOLDT and thus failed to comply with the claims presentation requirements of the California Government Tort Claims Act pursuant to California Government Code §§ 905 and/or 911.2; therefore, Plaintiff's claims, and each of them, are barred by the provisions of California Government Code § 945.4.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred on the grounds that Plaintiff failed to file an action based on a Government Tort claim within the time provided by California Government Code § 945.6.

SIXTH AFFIRMATIVE DEFENSE

Each act or omission alleged in the Complaint falls within the immunities and defenses described in §§ 800 *et. seq.* and 900 *et. seq.* of the California Government Code.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims, and each of them, are barred to the extent they exceed or vary from those set forth in the Government Tort Claim.

EIGHTH AFFIRMATIVE DEFENSE

Defendant alleges that Plaintiff and third parties, save and except this Defendant, failed to use ordinary care, caution and prudence for the safety and protection of Plaintiff's person, and were careless, negligent and otherwise at fault in and about the matters alleged in the Complaint.

NINTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred under the doctrine of unclean hands.

TENTH AFFIRMATIVE DEFENSE

Plaintiff failed to exercise reasonable diligence so as to mitigate the damages, if any, alleged in the Complaint, and said conduct was the sole and proximate cause of said claims.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims and each of them in the Complaint are barred or diminished by the doctrines of expressed or implied consent.

TWELFTH AFFIRMATIVE DEFENSE

Any Doe defendant alleged as a County employee is entitled to qualified immunity for claims asserted under 42 USC section 1983, which inures to the benefit of this answering Defendant.

THIRTEENTH AFFIRMATIVE DEFENSE

Any Doe defendant alleged as a County employee is entitled to immunity pursuant to Penal Code section 11172, which inures to the benefit of this answering Defendant.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendant alleges that it presently has insufficient knowledge or information on which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available. Defendant reserves the right to assert additional affirmative defenses in the event discovery indicates

1 that it would be appropriate.

2 **PRAYER FOR RELIEF**

3 WHEREFORE, Defendant COUNTY OF HUMBOLDT prays for judgment as follows:

- 4 1. That Plaintiff's action be dismissed;
- 5 2. That Plaintiff take nothing by way of her Complaint;
- 6 3. That Defendant be awarded its costs of suit, including attorney fees; and
- 7 4. For such other relief as the Court deems proper.

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9 **DEMAND FOR JURY TRIAL**

10 Defendant COUNTY OF HUMBOLDT hereby demands a trial by jury in the above-entitled

11 action as provided by the Seventh Amendment to the United States Constitution and Rule 38 of the

12 Federal Rules of Civil Procedure.

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14 Dated: March 19, 2019

PORTER SCOTT
A PROFESSIONAL CORPORATION

15 By /s/ John R. Whitefleet

16 Stephen E. Horan

17 John R. Whitefleet

18 David R. Norton

19 Attorneys for Defendant COUNTY

20 OF HUMBOLDT

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